

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Revocation)	
)	
or Suspension of the Educator)	CONSENT ORDER OF
)	
Certificate of Sinclair O. Swan)	VOLUNTARY SURRENDER
)	
Certificate # 156932)	

SUMMARY OF THE CASE

The South Carolina State Board of Education (State Board) considered this matter on June 9, 2004. In a letter dated May 5, 2003, the Department received a letter from W. Allen Nickles, III, the attorney for Sinclair O. Swan indicating his client's desire to voluntarily surrender his South Carolina educator certificate (certificate) number 156932. The surrender allows Mr. Swan the right to re-apply for a certificate after three years from the date of this order. If he chooses to re-apply for a certificate, Mr. Swan must undergo a character fitness review by the State Board. This surrender will be reported to the NASDTEC Clearinghouse and all South Carolina school districts on the grounds of unprofessional conduct. After considering the evidence presented, the State Board voted to accept the voluntary surrender of Mr. Swan's certificate upon the terms set forth above.

Sinclair
O. Swan
#156932

Initials

Date

Mr. Swan holds a valid South Carolina certificate with over nineteen years of teaching experience. He was under contract with the Horry County School District (District) for the 2003-2004 school year as a keyboard instructor at Myrtle Beach Middle School. Mr. Swan was placed on administrative leave with pay on January 16, 2004, following an investigation into allegations that he was viewing inappropriate websites containing pictures of partially nude women, which were accidentally seen by students. Mr. Swan resigned and retired on March 12, 2004. A file containing sexually explicit pictures and jokes in Mr. Swan's handwriting was later found in the filing cabinet in Mr. Swan's classroom.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (1990). Just cause

includes “Unprofessional conduct ...Immorality...and...Evident unfitness for the position for which employed.” S.C. Code Ann. § 59-25-160 (1990). The State Board finds that there was substantial evidence presented to support its decision to accept the voluntary surrender of Mr. Swan’s certificate # 156932, effective June 9, 2004, upon the conditions set forth above.

South Carolina State Board of Education

By: /S/ Mary E. Jones

Dr. Mary E. Jones

Chair

Columbia, South Carolina

June 9, 2004

I, Sinclair O. Swan, SC Teaching Certificate # 156932, do hereby agree to the proposed Consent Order of Voluntary Surrender, consisting of two pages, and understand that this Order will be presented as signed to the State Board of Education on Wednesday, June 9, 2004, for approval.

/S/ Sinclair O. Swan
Sinclair O. Swan

3 June '04
Date